

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DANA GILINSKY, an individual,

Plaintiff,

v.

ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendant.

Case No. 1:23-cv-01405-CL

ORDER

CYNTHIA BURNS, an individual; KRISTY
HAMBLEN, an individual; GEORGE
MCCAUGHAN, an individual; PATRICIA
STEBBINS, an individual; MARIA
MILLER, an individual; ROSA LINDAHL,
an individual; SADIE PERRY, an
individual; and FALENE OLSON, an
individual,

Plaintiffs,

v.

ASANTE ROGUE REGIONAL
MEDICAL CENTER, LLC, a corporation;
and ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendants.

Case No. 1:23-cv-00857-MC

NICHOLE LOTT, an individual,

Plaintiff,

v.

ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendant.

Case No. 1:23-cv-00869-MC

JEFFREY TEMPLE, an individual,

Plaintiff,

v.

ASANTE ROGUE REGIONAL
MEDICAL CENTER, LLC, a corporation;
and ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendants.

Case No. 1:23-cv-01323-MC

NANNELL WOLFE, an individual,

Plaintiff,

v.

ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendant.

Case No. 1:23-cv-01671-MC

JAMES MCCUNE, an individual; and
TREVOR WHITTED, an individual,

Plaintiffs,

v.

ASANTE ROGUE REGIONAL
MEDICAL CENTER, LLC, a corporation;
and ASANTE, dba ASANTE HEALTH
SYSTEM, a corporation,

Defendants.

Case No. 1:23-cv-00799-CL

MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation, and the matter is now before this Court on Plaintiffs' objections. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). I review *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Asante has shown that allowing any unvaccinated workers to work in-person during the relevant time frame, whether they objected to the vaccine due to religious beliefs or medical disability, would have been an undue hardship. The Court also grants Asante's motions to strike the Plaintiffs' expert report and the Plaintiffs' declarations. Finally, the Court denies Asante's motion for sanctions. The Court holds the following in each case:

Gilinsky; 1:23-cv-01405-CL: Asante's motion for summary judgment (ECF No. 17) is GRANTED. Asante's motion to strike, included in Defendants' reply (ECF No. 29) is GRANTED.

The exhibits attached to Paul Janzen's declaration (ECF No. 28) are stricken from the record. Exhibits 2-16 (ECF Nos. 26 and 27) are also stricken from the record.

Temple; 1:23-cv-001323-MC: Asante's motion for summary judgment (ECF No. 24) is GRANTED. Asante's motion to strike, included in Defendants' reply (ECF No. 36) is GRANTED. The exhibits attached to Paul Janzen's declaration (ECF No. 35) are stricken from the record. Exhibits 2-16 (ECF Nos. 32 and 33) are also stricken from the record.

Wolfe; 1:23-cv-01671-MC: Asante's motion for summary judgment (ECF No. 27) is GRANTED. Asante's motion to strike, included in Defendants' reply (ECF No. 44) is GRANTED. The exhibits attached to Paul Janzen's declaration (ECF No. 41) are stricken from the record. Exhibits 2-16 (ECF Nos. 39 and 40) are also stricken from the record. Asante's motion for sanctions (ECF No. 31) is DENIED.

Burns; 1:23-cv-00857-MC: Asante's motion for summary judgment (ECF No. 33) is GRANTED. Asante's motion to strike, included in Defendants' reply (ECF No. 43) is GRANTED. The exhibits attached to Paul Janzen's declaration (ECF No. 42) are stricken from the record. Exhibits 2-16 (ECF Nos. 40 and 41) are also stricken from the record.

Lott; 1:23-cv-00869-MC: Asante's motion for summary judgment (ECF No. 17) is GRANTED. Asante's motion to strike, included in Defendants' reply (ECF No. 27) is GRANTED. The exhibits attached to Paul Janzen's declaration (ECF No. 26) are stricken from the record. Exhibits 2-16 (ECF Nos. 24 and 25) are also stricken from the record.

McCune; 1:23-cv-00799-CL, Asante's motion for summary judgment (ECF No. 33) is GRANTED. Asante's motion for sanctions (ECF No. 37) is DENIED. Asante's motion to strike, included in Defendants' reply (ECF No. 52) is GRANTED. The exhibits attached to Paul Janzen's

declaration (ECF No. 49) are stricken from the record. Exhibits 2-16 (ECF Nos. 47 and 48) are also stricken from the record.

Magistrate Judge Clarke's Findings and Recommendation is adopted in full.

IT IS SO ORDERED.

DATED this 31st day of July, 2025.

s/Michael J. McShane

Michael McShane
United States District Judge